

To help you determine whether your pesticide product is “intended for use in California on at least one agricultural or commercial structural-use site,” ask yourself the following questions:

1. **Is my product intended for use on any agricultural use site (e.g., agricultural crops or commodities, rangelands, rights-of-way, golf courses, school yards, parks, forests, cemeteries, nurseries, pastures, forage crops, farm animals, barns, dairies, recreational areas)?**

Food and Agricultural Code section 11408 defines “agricultural use” to mean “...the use of any pesticide or method or device for the control of plant or animal pests, or any other pests, or the use of any pesticide for the regulation of plant growth or defoliation of plants. It excludes the sale or use of pesticides in properly labeled packages or containers that are intended for any of the following: (A) Home use, ... (C) Industrial or Institutional use....” **"Home use"** means use in a household or its immediate environment. **"Industrial use"** means use for or in a manufacturing, mining or chemical process; or use in the operation of factories, processing plants, and similar sites. **"Institutional use"** means use within the confines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums and office complexes.

**If your product bears an agricultural use site, TGA data are likely required.**

Excepted from this would be pesticide products listing agricultural sites, such as fruit trees and vegetables on the product label, but clearly are only intended for use on home orchards and gardens. These products must meet the definition of “home use.” The labels of such products would provide mixing directions in tablespoons per gallon and use directions in gallons per square feet (not acres). Such products might bear label statements such as “intended for Home Use Only” or “Not Intended for Commercial Use,” or be packaged in a “ready-to-use” container.

2. **Is an applicator, licensed pursuant to Chapter 14 (commencing with Section 8500), Division 3, of the Business and Professions Code required to use my product for structural pest control?**

**If the answer is yes, TGA data are required.**

3. **Is my product a federal or state restricted material?**

**If the answer is yes, TGA data are required.**

4. **Is the VOC content of my pesticide product regulated by ARB?**

The VOC content of “consumer products” and “coatings” as defined by California Air Resources Board (ARB) are regulated by ARB, whereas DPR regulates the VOC content of agricultural and commercial structural-use products. For the most part, if the VOC

content of a pesticide product is regulated by ARB, it would not be regulated by DPR. However, “dual-use” pesticide products (products that bear both home use and agricultural or commercial structural use sites on the product label) need to comply with both ARB’s and DPR’s VOC regulatory requirements.